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APR 08 2008

**OFFICE OF PETITIONS**

In re Application of :  
Webb et al. :  
Application No. 09/688,441 : LETTER REGARDING  
Filed: October 16, 2000 : PATENT TERM ADJUSTMENT  
Atty Docket No. 0112300/141 :

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 12, 2008. Applicants disclose that 36 days should be subtracted from the patent term adjustment pursuant to 35 U.S.C. 154(b) for a total adjustment of three hundred fifty (350) days, instead of three hundred eighty-six (386) days.

The request for review of the patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred fifty (350) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On December 17, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 386 days. Applicants disclose that they took in excess of three months to respond to the final Office action mailed April 7, 2003.

Applicants are correct. A request for continued examination (RCE) and amendment were not filed in response to the Office

action mailed April 7, 2003 until August 12, 2003. As such, a period of reduction of 36 days should have been entered pursuant to 37 C.F.R. §1.704(b).

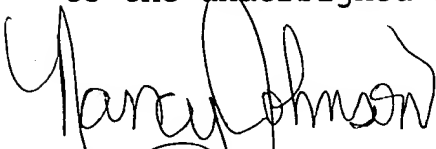
In view thereof, the initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is three hundred fifty (350) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

The fee charged has been refunded to Deposit Account No. 02-1818, as authorized.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

# PALM INTRANET

Day : Monday  
Date: 4/7/2008  
Time: 08:34:51

## PTA Calculations for Application: 09/688441

Application Filing Date:	10/16/2000	PTO Delay (PTO):	519
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	133
Post-Issue Petitions:	0	Total PTA (days):	350
PTO Delay Adjustment:	-36		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
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98	12/17/2007	MAIL NOTICE OF ALLOWANCE			
97	12/12/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
96	12/12/2007	DOCUMENT VERIFICATION			
95	12/12/2007	ISSUE REVISION COMPLETED			
94	12/10/2007	NOTICE OF ALLOWABILITY			
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91	11/04/2007	DATE FORWARDED TO EXAMINER			
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87	09/27/2007	ELECTRONIC REVIEW			
86	09/26/2007	EMAIL NOTIFICATION			
85	09/25/2007	MAIL FINAL REJECTION (PTOL - 326)			
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71	12/26/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
70	12/22/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
69	12/01/2006	NOTICE -- DEFECTIVE APPEAL BRIEF			
68	11/29/2006	APPEAL BRIEF REVIEW COMPLETE			
67	11/29/2006	DATE FORWARDED TO EXAMINER			
66.1	10/16/2006	DEFECTIVE / INCOMPLETE APPEAL BRIEF FILED			
66	10/16/2006	APPEAL BRIEF FILED			
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9	04/24/2001	PRELIMINARY AMENDMENT			
8.7	04/24/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	04/24/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	04/17/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	04/03/2001	APPLICATION DISPATCHED FROM OIPE			
5	04/03/2001	APPLICATION IS NOW COMPLETE			
4	12/07/2000	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	12/07/2000	CORRESPONDENCE ADDRESS CHANGE			
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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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